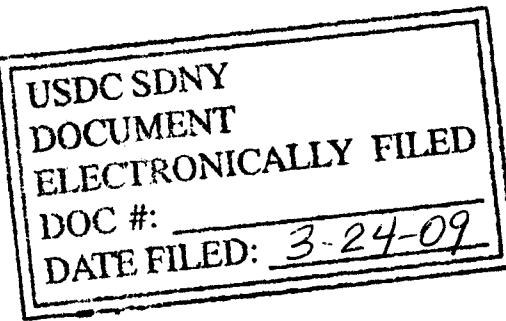


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
 ANDRE ANTROBUS, :
 :
 Plaintiff, : 07 Civ. 2076 (JSR)
 :
 -v- :
 : ORDER
 :
 DEPARTMENT OF CORRECTIONS AND :
 EMPLOYEES C.O. HAYNES, ALSO :
 SUPERIORS DEPUTY WARDEN CAPTAINS OF :
 O.B.C.C. 1600 HAZEN ST. EAST :
 ELMHURST, QUEENS, N.Y., N.Y. 11370 :
 (RIKERS ISLAND), :
 :
 Defendants. :
 -----x



JED S. RAKOFF, U.S.D.J.

On October 21, 2008, the Honorable Kevin Nathaniel Fox, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that the Court deny the defendants' motion for judgment on the pleadings.

Neither party has filed any objection to the Report, and, for that reason alone, the parties have waived any right to further appellate review. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report, and, for the reasons stated therein, denies the motion for judgment on the pleadings.

SO ORDERED.

Dated: New York, NY
 March 23, 2009



JED S. RAKOFF, U.S.D.J.